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The Government's Need for Secrecy vs. the People's Right to Know

Nick Kotz

When defending our importance to the country, we in the press are fond of quoting Thomas Jefferson: "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I would not hesitate a moment to choose the latter." But only on the rarest occasion do we acknowledge that the father of the Constitution, the sage of Monticello, also said of us: "I do not take a single newspaper, nor read one a month, and I feel myself infinitely happier for it."

The first statement was made before Thomas Jefferson became President. The second came afterwards, when he had to grapple as President with reporters and editors, and with disagreeable situations which won less than total public approval.

The living first amendment is much more complicated and nettlesome than it is in Jefferson's sublime idealization. In essence, the first amendment says that Congress shall make no law restricting freedom of speech or of assembly or of religion. Unfortunately, most of the first amendment issues which arise between news media and government, and particularly between news media and the military, are drawn far too narrowly. At stake are not the parochial needs, interests or convenience, either of the news business or of the military profession. The public's long-term interest in our self-governing democracy usually lies beyond and well above most squabbles about secrecy between press and President, news media and Navy.

Let me begin by stating unequivocally that the government does have a need for secrecy. There are few reporters (certainly not this one), there are few Americans who question the need of the government for secrecy to protect our national interests. The more difficult questions are these: How many secrets? About which matters? And for how long?

What are legitimate security information needs? At the risk of oversimplification, there are perhaps two basic needs: first, information about imminent ship or troop movements which would endanger American lives by

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supplying such information to an enemy. Second, information about a weapons system or a strategic plan which would endanger American lives or critically compromise our long-term national security, again by supplying such information to an enemy. And I would submit to you that we in the American press, as patriotic American citizens, have an outstanding record of maintaining vital secrets of national security.

When such secrets are revealed, I would contend strongly, it is most often by government officials—for their own official or unofficial purposes.

The critical issue, however, does not involve the rights of the government nor the rights of the press. The crucial issue involves the fundamental needs in our American society for freedom of speech and, secondly, for ready access and availability of information by American citizens; and not just about military matters but about all aspects of our society. I would argue this case not only on grounds of democratic idealism—the obvious needs of an informed public to make choices in self-governance—but also on practical grounds, with which we live each day.

We live in a highly complex, highly bureaucratized, highly dangerous world. And in it, I would contend, secrecy is a major enemy. It is the enemy of efficiency, of creativity, of cooperation, of progress, of wise decision-making. Secrecy covers up inefficiency; it obscures wrong-headed concepts; and, yes, it conceals outright corruption. Most often, secrecy is maintained primarily for the convenience of the secret keeper, either to enhance his or her power, to make him look good politically, or to avoid embarrassment. All of those aims may be helpful to the President of the United States or the president of General Motors or the president of a major university, but they are most often contrary to the public interest.

We have far too much official secrecy in this country and, as a practical matter, it does not serve our military well, nor does it serve us well as a country. But first, let's dispose of the recent matter of Grenada. The government was wrong in not taking the press along. The public was entitled to an independent view of what happened from the outset, and contrary to what immediate polls show, I think that the government's credibility will be hurt in the long run. But the issue, again, is not press vs. government. The issue is the credibility of all of our large bureaucratic institutions, the credibility of the press, the credibility of the government, of industry, of labor, of the universities. And secrecy harms the credibility of our major American institutions. A National Opinion Research Center poll published on 12 December 1983 in *Time* Magazine showed that only 13.7 percent of Americans placed a great deal of trust in the press. The trust rating for television was 12.7 percent. Lest federal government executives begin to gloat at these statistics, it should be noted that their own trust rating was a meager 13.3 percent.

Operationally, how could Grenada have been handled? The chief of Navy information could have called six print reporters (all of whom he knows well)

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and perhaps one TV crew, telling them to get their boots and to be at Andrews Air Force Base in one hour. I think most military information officers will attest that these six men and women, patriots all, would not have violated one iota of American security on that operation. They would, however, have provided an independent view of what was happening there.

Yes, there would have been squawks. Five hundred editors would have complained; three networks would have complained; the news magazines, if all of them were not included, would have been unhappy. But the public would have had an independent view from the outset and security would not have been violated.

In fact, Vice Admiral Joseph Metcalf, commander of the Grenada operation, later told an interviewer he would have allowed a pool of eight journalists, but did not want to deal with a press corps numbering in the hundreds. So, let's not get hung up in a discussion of the logistical problems of taking along complicated TV crews and herds of reporters. That is really not the issue.

I would like to illustrate how different forms of secrecy have hampered our society. The first example is from industry. Think about General Motors and the ill-fated Corvair. Think about Ford and the Pinto which sometimes exploded when somebody banged into its rear end. Think of all the other "goof-ups" that have happened in our auto industry—errors which were basically covered up by bureaucratic secrecy—and consider whether in the long run our most important basic American industry has been badly crippled because, in the short run, we had too damn much secrecy.

Item number two, the FBI. In an operation called COINTELPRO, the FBI tried to destroy a man by the name of Martin Luther King, Jr. Because of secrecy that abomination of everything this country is all about went on for seven years.

Item number three involves the military—and here I only want to pose a question. If the flow of military information had been adequate, had been free enough to examine the extensive reliability studies that existed in the government's hands about the helicopters being used on the Iranian rescue mission, I wonder whether there would not have been twice as many helicopters taken along, even though that would have, to some extent, made the mission more detectable. Writing later about the failed mission, its commander, Colonel Charles Beckwith, blamed excessive secrecy for numerous failures of coordination and execution in the mission.

Item number four, military procurement. You pick the example. Take any of a dozen recent weapons development programs from the M-16 rifle to the Maverick missile and ask—why we do not have better weapons? Why doesn't the military, responsible for defending us, have better weapons, more reliable weapons, at more effective cost? One reason, I strongly contend, is excessive secrecy, which has covered up conceptual flaws, inefficiency and failures—

problems which if they had been exposed at an early stage would have cried out for eliminating some weapons systems entirely, and most certainly for basic overhaul of concepts, for changes in design, and for getting tough with contractors.

A Navy captain recently spoke to a class of mine at American University about this issue. This captain was the project officer in charge of one of our important missile systems. He was describing with considerable frustration how the military-industrial-political bureaucracy works.

"You know what happens," he said. "Early on in the game when you try to point out that the damn thing doesn't work, and that the costs are out of hand; they say to you, 'please don't say anything, it's too early. If you point that out now, we won't get the rest of our funding.'"

"Later on in the game—when the situation is running out of control—and you again try to raise the issue within the councils of the government—you are told, 'you're right, the thing doesn't work, but it's too late and we've got to make the best of it.'"

Item number five—Vietnam. We could talk about it all day long. Essentially, secrecy was used selectively. We got over-optimistic body counts; we got low counts on infiltration rates; we were not told about the bombing that went on in Cambodia. Essentially, what was the product of all of this secrecy? We did not deny any information to our enemy. The enemy knew and we knew the enemy knew. The American people, and unfortunately people in crucial decision-making positions in the military itself and in our Congress, were deceived. Walter Cronkite did not lose the war. No amount of secrecy could have won the war in Vietnam.

Three current examples of policy matters are as fresh as your daily newspaper. The *Washington Post* recently carried a front-page story about a secret Joint Chiefs of Staff meeting on 8 November 1983 in which the JCS, by a 3-2 vote favored a joint space command. The two dissenting votes were cast by the CNO and the Commandant of the Marine Corps. Someone violated the secrecy of that JCS meeting—someone, I would venture, whose interest is served by further public debate of that very important issue. No matter whoever leaked the vote to the press, the point is that the public interest requires that this kind of basic policy issue be decided openly, so that the dissenting views can be thoroughly aired, so that best judgments can be exercised. After all, the Navy might be *right* and the public and Congress might agree!

The second example of secrets appearing in the paper was in the same day's *Washington Post*. It involved a current disagreement between the Central Intelligence Agency and the Defense Intelligence Agency over the percentage of the Soviet gross national product being put into its defense effort, and the annual increases in Soviet defense spending. The CIA is using a much lower

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number for rises in Soviet defense spending than is the DIA. And the DIA will not give its methodology to Congress. There are those within the government—some who suspect, others who acknowledge—that the DIA may be blowing up its numbers as a means of making a better case for greater defense spending. If that is the case, it is a monstrous deception for our military, for us as citizens, for our entire society. It is a most dangerous game. It is folly for us not only to deceive ourselves as a people; I think it is folly in this dangerous game of world survival for us and the Soviets to deceive each other about such basic matters.

The third current example concerns a bitter October 1983 controversy *within* top councils of the Reagan administration over who had leaked to the news media a Mideast strategy discussion. FBI interrogations were called for, lie detector tests threatened, firings and resignations intimated after the press reported that some administration officials had recommended to the President air strikes against Syrian positions in Lebanon.

When the dust had cleared the results were predictable. No leaker was removed or punished. But it was deduced that the information was probably put out by government officials, acting in good faith, trying "to send the Syrians a message." This scenario is typical of what happens all the time. The government is a huge bureaucracy—and even within its highest reaches—it speaks with many voices. And most often, those many voices represent *not* confusion and weakness but the characteristic of democracy that best distinguishes it from those bureaucratic dictatorships which are autocracies that speak with one voice, from which no one dares dissent, even if the voice blunders horribly.

Far too often, secrecy is used as a matter of political convenience, to gain an advantage, to avoid an embarrassment. Secrets are revealed, willy-nilly, by policy holders to make a point, to win an argument, to serve as propaganda.

Lyndon Johnson, when he was President, had an obsession about keeping his options open until the very last moment of decision. He would get furious when anything was printed which limited his options. He knew well that surprise is an element of power, not just military power but political power as well.

We all like to keep our options open. I like to keep my options open. But really the ultimate issue is that if the President or the CNO is permitted always to keep his options open, then what options do we have as citizens? Once the President has committed us to a war, we have to fight it, we have to pay for it, and we do not have any options.

I want to sum up by quoting Edward Teller, the father of the hydrogen bomb. Dr. Teller, no particular ally of the news media, said this about secrecy:

"Secrecy strikes at the root of our difficulties. Openness which is natural in free countries has been the life blood of science. Secrecy has not prevented our

most powerful enemy from developing the most powerful weapons we possess. It is not even obvious that our secrecy measures have slowed down Soviet progress. It is quite obvious, however, that secrecy has impeded our own work. Because of secrecy, we have had to limit the number of people who can contribute to our weapons. Due to secrecy it has been difficult to exchange information with our allies. It has also led to less than complete realism in planning our common defense. Secrecy has also prevented full public discussion of the possibilities of the future development of our weapons," and so on.

And Dr. Teller concluded: "This is only one facet of the more general truth that the democratic process does not function well in an atmosphere of secrecy."

Lord Acton is famous for his dictum that "power corrupts and absolute power corrupts absolutely." Less well-known is his statement, "everything secret degenerates, even the administration of justice."

The Reagan administration is proposing right now a broad increase in secrecy, not only employing lie detector tests, in limiting Freedom of Information requests for information, but requiring thousands of military officers and defense officials to sign oaths never to reveal details of their public service throughout their lifetimes, without government approval. I would submit that, what will degenerate in that kind of secrecy process is not only justice, but our ability to make intelligent decisions in our own self-interest, and our ability to defend our national security and democratic way of life.



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